

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEANNIE ATIENZA, individually and as
successor-in-interest to Decedent
LAUDEMER ARBOLEDA;

Plaintiff,

v.

ANDREW HALL, individually;
PHILLIP ARBOLEDA, individually, as
successor-in-interest to Decedent
LAUDEMER ARBOLEDA, and DOES
1-50 inclusive,

Defendants.

No. C19-03440 RS

[PROPOSED] ORDER GRANTING MOTION
FOR SUMMARY JUDGMENT

Date: July 15, 2021

Time: 1:30 p.m.

Ctrm: 3, 17th Floor

Judge: Hon. Richard Seeborg, Presiding

Date Action Filed: June 17, 2019

Trial Date: December 6, 2021

Defendant Andrew Hall, having moved this Court pursuant to Federal Rule of Civil Procedure Rule 16(b) for leave to file an Amended Answer, the motion having come before the Court on regularly-scheduled hearing, and having considered the papers filed by the parties with respect to this motion and oral argument, the Court hereby finds:

Defendant Andrew Hall, having moved this Court pursuant to Federal Rule of Civil Procedure Rule 56 for summary judgment or, in the alternative, summary adjudication of issues, the motion having come before the Court on regularly-scheduled hearing, and having considered the papers filed by the parties with respect to this motion and oral argument, the Court hereby rules as follows:

1 1. The Court finds that there are no genuine issues of material fact for trial and Hall is
2 entitled to judgment as a matter of law for the reasons set out in the following paragraphs.

3 2. Hall did not violate Laudemer Arboleda's Fourth Amendment rights or Atienza's
4 Fourteenth Amendment rights. Additionally, based on the prior cases, Hall is given qualified
5 immunity as to both Section 1983 claims.

6 3. The Court lacks subject matter jurisdiction over the three California state law claims.

7 4. There is no liability under state law due to California Penal Code sections 196 and
8 835a.

9 5. Hall is not liable as to the wrongful death negligence claim because his conduct was
10 not negligent and did not proximately cause Arboleda's death.

11 6. Hall did not violate the Bane Act as he did not commit any constitutional violations
12 or act with the requisite intent required by that act.

13 7. Hall did not assault Arboleda.

14 8. Atienza lacks evidence to support her wrongful death damage claim because Hall
15 did not engage in any wrongful conduct that caused Arboleda's death.

16 9. Atienza lacks evidence to support the punitive damage claim against Hall.

17 IT IS SO ORDERED.

18
19 Dated: _____

HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE